

AMENDED IN ASSEMBLY SEPTEMBER 1, 2015

AMENDED IN ASSEMBLY JULY 9, 2015

AMENDED IN ASSEMBLY JUNE 23, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 172**

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**Introduced by Senator Liu**

February 5, 2015

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An act to amend Section 60640 of, ~~and~~ to add Section 60851.5 to, *and to add and repeal Section 60851.6 of*, the Education Code, relating to pupil testing.

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as amended, Liu. Pupil testing: high school exit examination: suspension.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would suspend the administration of the high school exit examination and would remove the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school for each pupil completing grade 12, for the ~~2014–15~~, 2015–16, 2016–17, and 2017–18 school years. *The bill would, until July 31, 2018, require the governing board or body of a*

*local educational agency, as defined, and the State Department of Education on behalf of state special schools, to grant a diploma of graduation from high school to a pupil who has met all applicable graduation requirements other than the passage of the high school exit examination.*

Existing law establishes the California Assessment of Student Performance and Progress as the statewide system of pupil assessments, under which various assessments are required or authorized to be administered in public schools, as specified. Existing law requires the Superintendent, on or before March 1, 2016, to submit to the state board recommendations on expanding the California Assessment of Student Performance and Progress to include additional assessments, for consideration at a regularly scheduled public meeting, and to also submit those recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with specified requirements.

This bill would add a new requirement, that the Superintendent convene an advisory panel consisting of specified individuals to provide recommendations to the Superintendent on the continuation of the high school exit examination and on alternative pathways to satisfy specified high school graduation requirements, to those recommendations to be submitted by the Superintendent.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 60640 of the Education Code is amended  
2     to read:  
3     60640. (a) There is hereby established the California  
4     Assessment of Student Performance and Progress, to be known as  
5     the CAASPP.  
6     (b) Commencing with the 2013–14 school year, the CAASPP  
7     shall be composed of all of the following:  
8     (1) (A) A consortium summative assessment in English  
9     language arts and mathematics for grades 3 to 8, inclusive, and  
10    grade 11 that measures content standards adopted by the state  
11    board.  
12    (B) In the 2013–14 school year, the consortium summative  
13    assessment in English language arts and mathematics shall be a

1 field test only, to enable the consortium to gauge the validity and  
2 reliability of these assessments and to conduct all necessary  
3 psychometric procedures and studies, including, but not necessarily  
4 limited to, achievement standard setting, and to allow the  
5 department to conduct studies regarding full implementation of  
6 the assessment system. These field tests and results shall not be  
7 used for any other purpose, including the calculation of any  
8 accountability measure.

9 (2) (A) Science grade level assessments in grades 5, 8, and 10  
10 that measure content standards adopted pursuant to Section 60605,  
11 until a successor assessment is implemented pursuant to  
12 subparagraph (B).

13 (B) For science assessments, the Superintendent shall make a  
14 recommendation to the state board as soon as is feasible after the  
15 adoption of science content standards pursuant to Section 60605.85  
16 regarding the assessment of the newly adopted standards. Before  
17 making recommendations, the Superintendent shall consult with  
18 stakeholders, including, but not necessarily limited to, California  
19 science teachers, individuals with expertise in assessing English  
20 learners and pupils with disabilities, parents, and measurement  
21 experts, regarding the grade level and type of assessment. The  
22 recommendations shall include cost estimates and a plan for  
23 implementation of at least one assessment in each of the following  
24 grade spans:

25 (i) Grades 3 to 5, inclusive.

26 (ii) Grades 6 to 9, inclusive.

27 (iii) Grades 10 to 12, inclusive.

28 (3) The California Alternate Performance Assessment in grades  
29 2 to 11, inclusive, in English language arts and mathematics and  
30 science in grades 5, 8, and 10, which measures content standards  
31 adopted pursuant to Section 60605 until a successor assessment  
32 is implemented. The successor assessment shall be limited to the  
33 grades and subject areas assessed pursuant to paragraph (1) and  
34 subparagraph (B) of paragraph (2).

35 (4) The Early Assessment Program established by Chapter 6  
36 (commencing with Section 99300) of Part 65 of Division 14 of  
37 Title 3.

38 (5) (A) A local educational agency may administer a primary  
39 language assessment aligned to the English language arts standards  
40 adopted pursuant to Section 60605, as it read on January 1, 2013,

1 to pupils who are identified as limited English proficient and  
2 enrolled in any of grades 2 to 11, inclusive, until a subsequent  
3 primary language assessment aligned to the common core standards  
4 in English language arts adopted pursuant to Section 60605.8 is  
5 developed pursuant to subparagraph (E).

6 (B) If a local educational agency chooses to administer a primary  
7 language assessment to pupils identified as limited English  
8 proficient and enrolled in any of grades 2 to 11, inclusive, pursuant  
9 to subparagraph (A), it shall notify the department in a manner to  
10 be determined by the department and the costs shall be paid by the  
11 state and included as part of the testing contract, and the department  
12 shall provide the local educational agency a per pupil  
13 apportionment for administering the assessment pursuant to  
14 subdivision (I).

15 (C) The Superintendent shall consult with stakeholders,  
16 including assessment and English learner experts, to determine  
17 the content and purpose of a stand-alone language arts summative  
18 assessment in primary languages other than English that aligns  
19 with the English language arts content standards. The  
20 Superintendent shall consider the appropriate purpose for this  
21 assessment, including, but not necessarily limited to, support for  
22 the State Seal of Biliteracy and accountability. It is the intent of  
23 the Legislature that an assessment developed pursuant to this  
24 section be included in the state accountability system.

25 (D) The Superintendent shall report and make recommendations  
26 to the state board at a regularly scheduled public meeting no sooner  
27 than one year after the first full administration of the consortium  
28 computer-adaptive assessments in English language arts and  
29 mathematics summative assessments in grades 3 to 8, inclusive,  
30 and grade 11, regarding an implementation timeline and estimated  
31 costs of a stand-alone language arts summative assessment in  
32 primary languages other than English.

33 (E) The Superintendent shall develop, and the state board shall  
34 adopt, a primary language assessment. The Superintendent shall  
35 administer this assessment no later than the 2016–17 school year.

36 (F) This paragraph shall be operative only to the extent that  
37 funding is provided in the annual Budget Act or another statute  
38 for the purpose of this section.

39 (c) No later than March 1, 2016, the Superintendent shall submit  
40 to the state board recommendations on expanding the CAASPP

1 to include additional assessments, for consideration at a regularly  
2 scheduled public meeting. The Superintendent shall also submit  
3 these recommendations to the appropriate policy and fiscal  
4 committees of the Legislature and to the Director of Finance in  
5 accordance with all of the following:

6 (1) In consultation with stakeholders, including, but not  
7 necessarily limited to, California teachers, individuals with  
8 expertise in assessing English learners and pupils with disabilities,  
9 parents, and measurement experts, the Superintendent shall make  
10 recommendations regarding assessments, including the grade level,  
11 content, and type of assessment. These recommendations shall  
12 take into consideration the assessments already administered or  
13 planned pursuant to subdivision (b). The Superintendent shall  
14 consider the use of consortium-developed assessments, various  
15 item types, computer-based testing, and a timeline for  
16 implementation.

17 (2) The recommendations shall consider assessments in subjects,  
18 including, but not necessarily limited to, history-social science,  
19 technology, visual and performing arts, and other subjects as  
20 appropriate, as well as English language arts, mathematics, and  
21 science assessments to augment the assessments required under  
22 subdivision (b), and the use of various assessment options,  
23 including, but not necessarily limited to, computer-based tests,  
24 locally scored performance tasks, and portfolios.

25 (3) The recommendations shall include the use of an assessment  
26 calendar that would schedule the assessments identified pursuant  
27 to paragraph (2) over several years, the use of matrix sampling, if  
28 appropriate, and the use of population sampling.

29 (4) The recommendations shall include a timeline for test  
30 development, and shall include cost estimates for subject areas, as  
31 appropriate.

32 (5) Upon approval by the state board and the appropriation of  
33 funding for this purpose, the Superintendent shall develop and  
34 administer approved assessments. The state board shall approve  
35 test blueprints, achievement level descriptors, testing periods,  
36 performance standards, and a reporting plan for each approved  
37 assessment.

38 (6) The Superintendent shall convene an advisory panel,  
39 consisting of, but not necessarily limited to, secondary teachers,  
40 school administrators, school board members, parents, ~~the student~~

1 ~~member of the state board~~, *a student chosen from among the two*  
2 *finalists who were not appointed by the Governor to serve as the*  
3 *student member on the state board pursuant to Section 33000.5,*  
4 *representatives of a dropout recovery charter school operating*  
5 *pursuant to subdivision (g) of Section 47605.1, measurement*  
6 *experts, and individuals with expertise in assessing English learners*  
7 *and pupils with disabilities, to provide recommendations to the*  
8 *Superintendent on the continuation of the high school exit*  
9 *examination, described in Chapter 9 (commencing with Section*  
10 *60850), and on alternative pathways to satisfy the high school*  
11 *graduation requirements pursuant to Sections 51224.5 and 51225.3.*

12 (d) For the 2013–14 and 2014–15 school years, the department  
13 shall make available to local educational agencies Standardized  
14 Testing and Reporting Program test forms no longer required by  
15 the CAASPP. The cost of implementing this subdivision, including,  
16 but not necessarily limited to, shipping, printing, scoring, and  
17 reporting per pupil shall be the same for all local educational  
18 agencies, and shall not exceed the marginal cost of the assessment,  
19 including any cost the department incurs to implement this section.  
20 A local educational agency that chooses to administer an  
21 assessment pursuant to this subdivision shall do so at its own  
22 expense, and shall enter into an agreement for that purpose with  
23 a contractor, subject to the approval of the department.

24 (e) The Superintendent shall make available a paper and pencil  
25 version of any computer-based CAASPP assessment for use by  
26 pupils who are unable to access the computer-based version of the  
27 assessment for a maximum of three years after a new operational  
28 test is first administered.

29 (f) (1) From the funds available for that purpose, each local  
30 educational agency shall administer assessments to each of its  
31 pupils pursuant to subdivision (b). As allowable by federal statute,  
32 recently arrived English learner pupils are exempted from taking  
33 the assessment in English language arts. The state board shall  
34 establish a testing period to provide that all schools administer  
35 these tests to pupils at approximately the same time during the  
36 instructional year. The testing period established by the state board  
37 shall take into consideration the need of local educational agencies  
38 to provide makeup days for pupils who were absent during testing,  
39 as well as the need to schedule testing on electronic computing  
40 devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund local educational agency participation in one or more tests per participant. Funds for this purpose shall be used to allow for maximum participation in the field tests across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With the approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the CAASPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The CAASPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) Subject to the approval of the state board, the department may make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b). The cost for the assessment shall

1 be the same for all local educational agencies and shall not exceed  
2 the marginal cost of the assessment, including any cost the  
3 department incurs to implement this section. A local educational  
4 agency that elects to administer a primary language assessment  
5 pursuant to this subdivision shall do so at its own expense and  
6 shall enter into an agreement for that purpose with the state testing  
7 contractor, subject to the approval of the department.

8 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United  
9 States Code, individuals with exceptional needs, as defined in  
10 Section 56026, shall be included in the testing requirement of  
11 subdivision (b) with appropriate accommodations in administration,  
12 where necessary, and the individuals with exceptional needs who  
13 are unable to participate in the testing, even with accommodations,  
14 shall be given an alternate assessment.

15 (l) (1) The Superintendent shall apportion funds appropriated  
16 for these purposes to local educational agencies to enable them to  
17 meet the requirements of subdivisions (b) and (c).

18 (A) For the CAASPP field tests administered in the 2013–14  
19 school year or later school years, the Superintendent shall apportion  
20 funds to local educational agencies if funds are specifically  
21 provided for this purpose in the annual Budget Act.

22 (B) The Superintendent shall apportion funds to local  
23 educational agencies to enable them to administer assessments  
24 used to satisfy the voluntary Early Assessment Program in the  
25 2013–14 school year pursuant to paragraph (4) of subdivision (b).

26 (2) The state board annually shall establish the amount of  
27 funding to be apportioned to local educational agencies for each  
28 test administered and annually shall establish the amount that each  
29 contractor shall be paid for each test administered under the  
30 contracts required pursuant to Section 60643. The amounts to be  
31 paid to the contractors shall be determined by considering the cost  
32 estimates submitted by each contractor each September and the  
33 amount included in the annual Budget Act, and by making  
34 allowance for the estimated costs to local educational agencies for  
35 compliance with the requirements of subdivisions (b) and (c). The  
36 state board shall take into account changes to local educational  
37 agency test administration activities under the CAASPP, including,  
38 but not limited to, the number and type of tests administered and  
39 changes in computerized test registration and administration  
40 procedures, when establishing the amount of funding to be



1 apportioned to local educational agencies for each test  
2 administered.

3 (3) An adjustment to the amount of funding to be apportioned  
4 per test shall not be valid without the approval of the Director of  
5 Finance. A request for approval of an adjustment to the amount  
6 of funding to be apportioned per test shall be submitted in writing  
7 to the Director of Finance and the chairpersons of the fiscal  
8 committees of both houses of the Legislature with accompanying  
9 material justifying the proposed adjustment. The Director of  
10 Finance is authorized to approve only those adjustments related  
11 to activities required by statute. The Director of Finance shall  
12 approve or disapprove the amount within 30 days of receipt of the  
13 request and shall notify the chairpersons of the fiscal committees  
14 of both houses of the Legislature of the decision.

15 (m) For purposes of making the computations required by  
16 Section 8 of Article XVI of the California Constitution, the  
17 appropriation for the apportionments made pursuant to paragraph  
18 (1) of subdivision (l), and the payments made to the contractors  
19 under the contracts required pursuant to Section 60643 or  
20 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
21 60605 between the department and the contractor, are "General  
22 Fund revenues appropriated for school districts," as defined in  
23 subdivision (c) of Section 41202, for the applicable fiscal year,  
24 and included within the "total allocations to school districts and  
25 community college districts from General Fund proceeds of taxes  
26 appropriated pursuant to Article XIII B," as defined in subdivision  
27 (e) of Section 41202, for that fiscal year.

28 (n) As a condition to receiving an apportionment pursuant to  
29 subdivision (l), a local educational agency shall report to the  
30 Superintendent all of the following:

31 (1) The pupils enrolled in the local educational agency in the  
32 grades in which assessments were administered pursuant to  
33 subdivisions (b) and (c).

34 (2) The pupils to whom an achievement test was administered  
35 pursuant to subdivisions (b) and (c) in the local educational agency.

36 (3) The pupils in paragraph (1) who were exempted from the  
37 test pursuant to this section.

38 (o) The Superintendent and the state board are authorized and  
39 encouraged to assist postsecondary educational institutions to use  
40 the assessment results of the CAASPP, including, but not

1 necessarily limited to, the grade 11 consortium summative  
2 assessments in English language arts and mathematics, for  
3 academic credit, placement, or admissions processes.

4 (p) Subject to the availability of funds in the annual Budget Act  
5 for this purpose, and exclusive of the consortium assessments, the  
6 Superintendent, with the approval of the state board, annually shall  
7 release to the public test items from the achievement tests pursuant  
8 to Section 60642.5 administered in previous years. Where feasible  
9 and practicable, the minimum number of test items released per  
10 year shall be equal to 25 percent of the total number of test items  
11 on the test administered in the previous year.

12 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,  
13 of Title 5 of the California Code of Regulations shall be revised  
14 by the state board to conform to the changes made to this section  
15 in the first year of the 2013–14 Regular Session. The state board  
16 shall adopt initial regulations as emergency regulations to  
17 immediately implement the CAASPP assessments, including, but  
18 not necessarily limited to, the administration, scoring, and reporting  
19 of the tests, as the adoption of emergency regulations is necessary  
20 for the immediate preservation of the public peace, health, safety,  
21 or general welfare within the meaning of Section 11346.1 of the  
22 Government Code. The emergency regulations shall be followed  
23 by the adoption of permanent regulations, in accordance with the  
24 Administrative Procedure Act (Chapter 3.5 (commencing with  
25 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
26 Code).

27 SEC. 2. Section 60851.5 is added to the Education Code, to  
28 read:

29 60851.5. Notwithstanding Section 60851, the administration  
30 of the high school exit examination, and the requirement that each  
31 pupil completing grade 12 successfully pass the high school exit  
32 examination as a condition of receiving a diploma of graduation  
33 or a condition of graduation from high school, shall be suspended  
34 for the ~~2014–15~~, 2015–16, 2016–17, and 2017–18 school years.

35 SEC. 3. Section 60851.6 is added to the Education Code, to  
36 read:

37 60851.6. (a) Notwithstanding any other law, the governing  
38 board or body of a local educational agency, and the department  
39 on behalf of state special schools, shall grant a diploma of  
40 graduation from high school to a pupil who has met all applicable

1 *graduation requirements other than the passage of the high school*  
2 *exit examination.*

3 *(b) For purposes of this section, “local educational agency”*  
4 *means a school district, county office of education, or charter*  
5 *school.*

6 *(c) This section shall remain in effect only until July 31, 2018,*  
7 *and as of that date is repealed, unless a later enacted statute, that*  
8 *is enacted before July 31, 2018, deletes or extends that date.*

O